

REMARKS

Claims 1-5 remain pending in this application for which applicant seeks reconsideration.

Amendment

Claims 1-5 have been amended to improve their form, clarity, and accuracy. In this respect, claim 1 now more clearly recites that the evacuation position is outside the predetermined stroke ("a predetermined evacuation position set above a top dead center of the predetermined stroke range"). No new matter has been introduced.

Art Rejection

Claims 1, 2, 4, and 7 were rejected under 35 U.S.C. § 102(b) as anticipated by Tajima (JP 04-347192). Claim 3 was rejected under § 103 (a) as unpatentable over the Tajima reference in view of Marcandalli (USP 4,616,585). Applicant traverses these rejections because none of the applied references would have disclosed or taught retreating the needle bar to a predetermined evacuation position set above a top dead center of the operational stroke range of the needle bar, as set forth in independent claim 1.

Independent claim 1 calls for control means for controlling a dedicated drive source for a need bar of a sewing machine to drive the needle bar up and down within a predetermined stroke range when a sewing operation is being performed, and for controlling the drive source to cause the needle bar to retreat to a predetermined evacuation position set above the top dead center of the predetermined stroke range when no sewing operation is being performed.

The examiner alleges that the Tajima reference discloses retreating the needle bar above the top dead center of the operating stroke range when no sewing operation is being performed. Applicant disagrees. In contrast to the examiner's assertion, the Tajima reference does not retreat the needle bar above the top dead center of the operating stroke range. Indeed, the Tajima reference merely discloses that a sewing needle 26 is moved up and down according to the rotation of the pulse motor 70B, and the rotational angle of the pulse motor 70B is controlled according to the rotational angle of the shuttle 60. The Tajima reference is silent regarding retreating its needle bar to an evacuation position that is outside the operational stroke range of the needle bar. Accordingly, applicant submits that claim 1 clearly distinguishes over the Tajima reference. Applicant submits that Marcandalli would not have alleviated the Tajima reference's shortcomings.

Conclusion

Applicant submits that claims 1-5 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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DATE

/Lyle Kimms/

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REG. No. 34,079 (RULE 34, WHERE APPLICABLE)

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